

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

16623  
U.S.PTO  
10/812115  
22859 U.S.PTO  
032904

In re of Application of: John P. YARDLEY et al.  
Application No.: Not yet assigned Group Art No.: 1614  
Filed: March 29, 2004 Examiner: F. Krass  
For: Enantiomers of N-Desmethyl Venlafaxine  
Confirmation No.:  
Customer Number: 25291

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (b)**

Transmitted herewith for filing is the patent application of the following Inventor(s):  
John P. YARDLEY; Andre A. ASSELIN  
For: Enantiomers of N-Desmethyl Venlafaxine.

1. This new application is for a:

Divisional  
 Continuation  
 Continuation-in-part (CIP)

2. Benefit of Prior U.S. Application(s) (35 USC 120)

This new application being transmitted claims the benefit of prior U.S. application(s)  
Application No. 10/419,646, filed on April 21, 2003, which is a continuation of  
Application No. 10/189,215, filed on July 3, 2002, which is a continuation of Application  
No. 09/988,690, filed on November 20, 2001, which is a continuation of Application No.  
09/591,548, filed on June 8, 2000, which claims the benefit of Provisional Application  
No. 60/183,034, filed on June 15, 1999.

3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):

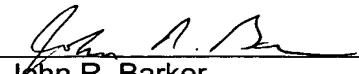
Pages of specification – 8 pages  
 Sequence Listing –        pages on  
     CD-ROM or CD-R (2 copies); or  
     Paper  
 Pages of claims – 2 pages  
 Page(s) of abstract – 1 pages  
Sheets of drawing –        pages  
     Formal  
     Informal

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU733073013US addressed to the Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

3-29-04

Date

  
John R. Barker

4. Additional papers enclosed

- Information Disclosure Statement
- Form PTO-1449
- Citations
- Statement of Biological Deposit
- Computer Readable Form of Sequence Listing
- Statement Under 37 CFR 1.821(f)
- Application Data Sheet
- Other:

5. Declaration

- Copy from a prior application (37 CFR 1.63 (d)) is enclosed
- New declaration enclosed and executed by all inventor(s)
- New declaration not enclosed or not executed by all inventor(s)

6. Assignment

An assignment of the invention to:

Wyeth  
Five Giralta Farms  
Madison, New Jersey 07940

- was made in the prior application and recorded in PTO on March 22, 2001, Reel 011721, Frame 0807.
- is attached under separate Recordation Form Cover Sheet.
- will follow.

7. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

8. Amendments

- Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.) A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)

9. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefore for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1425.

10. Filing Fee Calculation

CLAIMS AS AMENDED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA x RATE		(4) BASIC FEE
TOTAL CLAIMS	6	0	x \$ 18.00	\$770.00
INDEPENDENT CLAIMS	6	3	x \$ 86.00	258.00
MULTIPLE DEPENDENCY FEE			\$ 290.00	
		<b>Total Filing Fee:</b>		<b>\$1,028.00</b>

11. Fee payment being made at this time: \$1,028.00

12. Method of Payment of Fees:  
Charge Deposit Account No. 01-1425 in the amount of \$1,028.00  
A duplicate of this transmittal is attached.

13. Instructions as to Overpayment:  
Credit any overpayment to Deposit Account No. 01-1425.

14. Authorization to Charge Additional Fees

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 01-1425:
- 37 CFR 1.16(a), (f), or (g) filing fees
- 37 CFR 1.16(b), (c), and (d) presentation of extra claims
- 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.
- 37 CFR 1.17 application processing fees

15. Relate Back (35 USC 120)

- This is a continuation of copending application(s) application number 10/419,646 filed on April 21, 2003, which is a continuation of Application No. 10/189,215 filed on July 3, 2002, which is a continuation of Application No. 09/988,690 filed on November 20, 2001, which is a continuation of Application No. 09/591,548 filed on June 8, 2000, which claims the benefit of Provisional Application No. 60/183,034 filed on June 15, 1999, the entire disclosure of which is hereby incorporated by reference.

NOTE: THIS STATEMENT SHOULD BE ADDED TO THE BEGINNING OF THE SPECIFICATION.

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a)  This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)
  - the same
  - less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting

inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

(b)  This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)  
 the same  
 the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

(a)  Extension of Time in Prior Application  
 A petition, fee and response extends the term in the pending prior application until March 29, 2004.  
 A copy of the petition filed in the prior application is attached.

(b)  Conditional petition for Extension of Time in Prior Application.  
 A conditional petition for extension of time is being filed in the pending prior application.  
 A copy of the conditional petition filed in the prior application is attached.

18. REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).

A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.

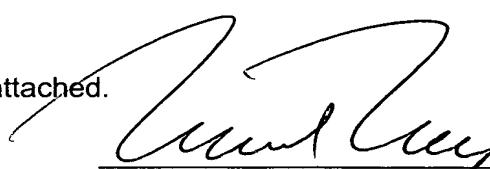
19. SEND CORRESPONDENCE TO:

Customer Number: 25291

DIRECT ALL TELEPHONE CALLS TO:

Name: Rebecca R. Barrett  
Tel. No. (484) 865-8607

20.  Return Receipt Postcard is attached.

  
Michael R. Nagy  
March 29, 2004  
Attorney for Applicants  
Reg. No. 33,432

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940  
Tel. No. (484) 865-8607

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John P. Yardley et al.  
Application No.: 10/419,646 Group Art No.: 1614  
Filed: April 21, 2003 Examiner: F. Krass  
For: Enantiomers of N-Desmethyl Venlafaxine  
Confirmation No.: 4158  
Customer Number: 25291

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

PETITION FOR EXTENSION OF TIME (37 CFR 1.136(a))

1. This is a petition for an extension of the time for a total period of 3 month(s) to respond to the Office Action mailed on September 29, 2003 for the subject application.

2. A response in connection with the matter for which this extension is requested:

is filed herewith  
 has been filed

(complete the following if applicable)  
 response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

**CERTIFICATE OF MAILING 37 CFR §1.10**

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3-29-04  
Date

John R. Barker  
John R. Barker

3. Calculation of extension fee (37 CFR 1.17(a)-(d)):

<input type="checkbox"/>	One Month.	Fee in the amount of	\$ 110.00
<input type="checkbox"/>	Two Months.	Fee in the amount of	\$ 420.00
<input checked="" type="checkbox"/>	Three Months.	Fee in the amount of	\$ 950.00
<input type="checkbox"/>	Four Months.	Fee in the amount of	\$ 1,480.00
<input type="checkbox"/>	Five Months.	Fee in the amount of	\$ 2,010.00

If an additional extension of time is required, please consider this a petition therefore.

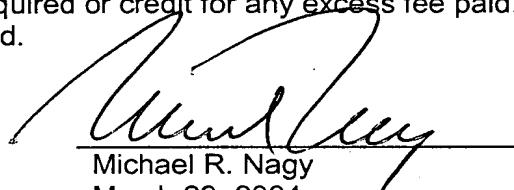
**(Check and complete the next item, if applicable)**

An extension for        months has already been secured and the fee paid therefore of \$0.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$950.00

4. Fee Payment

Charge fee to Deposit Account No. 01-1425. This is a request to charge for any additional extension and/or fee required or credit for any excess fee paid. A duplicate of this petition is attached.



Michael R. Nagy  
March 29, 2004  
Attorney for Applicants  
Reg. No. 33,432

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Patent Law Department  
Five Giralta Farms  
Madison, NJ 07940  
Tel. No. (484) 865-8607